# Gwynedd Pension Fund - Administering Authority Discretions

**Introduction**

As an administering authority within the Local Government Pension Scheme (LGPS), Gwynedd Pension Fund is required to prepare, publish, and keep under regular review a written policy statement on how it will exercise a number of statutory discretions. These discretions arise from various LGPS regulations and guidance, and the policy must set out the principles the administering authority will apply when making decisions in each area.

The Pensions Ombudsman has made clear that, when exercising a discretionary power, an employer or administering authority owes an implied duty of good faith to its members. This includes acting reasonably, taking relevant factors into account, and disregarding irrelevant ones. The Ombudsman has also recognised that employers and administering authorities are entitled to consider their own interests—including financial implications—when reaching a decision. Some discretionary decisions may result in additional costs to the employer or the pension fund, and it is legitimate for these costs to form part of the decision-making process. However, cost alone cannot be the sole determining factor; it must be balanced against all other relevant considerations. A blanket refusal to approve any action that generates a cost would again be considered fettering discretion.

There are certain discretions for which the LGPS Regulations require a published policy, and others where a published policy is not mandatory. The Fund has chosen to include both mandatory and non-mandatory areas within this document to ensure a comprehensive and transparent approach.

**General Considerations**

In exercising any discretion, the administering authority must comply with the requirements of the Equality Act 2010 and the Equality Act (Age Exceptions for Pension Schemes) Order 2010. All members must be treated fairly and consistently, and any differences in treatment must be capable of objective justification.

The tables that follow summarise the relevant LGPS regulations and outline the Fund's policy position for each discretionary area. These summaries are provided for ease of reference and should not be regarded as a substitute for the statutory regulations themselves, which remain the definitive legal source.

# Statement of Policy

This section states the mandatory policies that an Administering Authority should have:

| Regulation | Description | Policy |
| --- | --- | --- |
| 55 of the LGPS Regulations 2013 | The matters within the Governance Compliance Statement which must be published in accordance with Regulation 55. | The Fund has a Governance Compliance Statement, which sets out how it complies with the governance requirements of the Local Government Pension Scheme and the extent to which it meets the best-practice principles issued by the Secretary of State.<br><br>A copy can be viewed by clicking the following link:<br><br>**Governance Compliance Statement** |
| 58 of the LGPS Regulations 2013 | Decide on funding strategy for inclusion in funding strategy statement | The Fund has a Funding Strategy Statement, which sets out the principles governing how employer contributions are determined and how funding risks are managed.<br><br>A copy can be viewed by clicking the following link:<br><br>**Funding Strategy Statement** |
| 59 (1) & (2) of the LGPS Regulations 2013 | Whether to have a written pensions administration strategy and, if so, the matters it should include. | Gwynedd Pension Fund has adopted a written Pensions Administration Strategy in accordance with Regulation 59(1) of the Local Government Pension Scheme Regulations 2013. The Strategy sets out the performance standards, responsibilities, communication arrangements and compliance framework required under Regulation 59(2).<br><br>A copy can be viewed by clicking the following link:<br><br>**Administration Strategy** |
| 61 of the LGPS Regulations 2013 | The administering authority's Communication Policy which must be published in accordance with this regulation | The Fund has a Communication Policy Statement, which sets out how it engages with members, employers and stakeholders.<br><br>A copy can be viewed by clicking the following link: |

| Regulation | Description | Policy |
| --- | --- | --- |
| | | **Communication Policy Statement** |

# For active members or members who left on or after 1 April 2014 or in respect of current policies.

**Relevant Legislation**

- The Local Government Pension Scheme Regulations 2013
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The Local Government Pension Scheme Regulations 1997 (as amended)
- The Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011

# Administering Authority Discretions – Mandatory

| Regulation | Description | Policy |
|---|---|---|
| 30(8) of the LGPS Regulations 2013 | Whether to waive, in whole or in part, actuarial reduction on benefits accrued from 1 April 2014 only when a member voluntarily draws them before normal pension age **in the event that the member's former employer is no longer a scheme employer.**<br><br>Whether to waive, in whole or in part, actuarial reduction on benefits which a member draws on flexible retirement grounds **in the event that the member's former employer is no longer a scheme employer.** | Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>It should also be noted that a flexible retirement scenario is highly unlikely to arise in such circumstances. Flexible retirement can only take place where the member continues in employment with an organisation that remains a scheme employer. If the former employer has exited the scheme, flexible retirement is not a viable option.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider **exceptional circumstances**, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |
| Schedule 2 para 1(2) and 1(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | Where a member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. **Where the employer no longer exists,** the administering authority has the discretion to allow for the rule of 85 to be "switched on". | Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider **exceptional circumstances**, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |
| | **Where the employer no longer exists,** whether to waive upon the voluntary early payment of | No definition of compassionate grounds is given in the LGPS regulations. The term is sometimes interpreted as referring to a situation when a scheme member is required |

| Regulation | Description | Policy |
|---|---|---|
| 3(1), Schedule 2, para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014 Regulation<br><br>30(5) and 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 Regulation | benefits, any actuarial reduction on compassionate grounds or, for periods of service to which the compassionate service discretion does not apply, to waive any actuarial reduction on any grounds. | to give up work in order to be a full time, long term carer for a member of their family.<br><br>Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |
| 3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008 | Decide policy on abatement of pre 1 April 2014 element of pensions in payment following re-employment | Gwynedd Pension Fund will not apply abatement to pensions. The Fund has determined that pensions in payment will not be reduced or suspended on account of a member returning to local government employment or employment with another scheme employer. |

## Administering Authority Discretions – Non Mandatory

| Regulation | Description | Policy |
|---|---|---|
| 4(2)(b) of the LGPS Regulations 2013 | Whether to agree to an admission agreement with a Care Trust, NHS Scheme employing authority or care Quality Commission | The Fund's policy on the application of this regulation is set out in full within the Fund's Funding Strategy Statement. |
| 3(5) and Schedule 2, Part 3 para 1 of the LGPS Regulations 2013 | Whether to agree to an admission agreement with a body applying to be an admission body | The Fund's policy on the application of this regulation is set out in full within the Fund's Funding Strategy Statement. |
| Sch2, Part 3, para 14 of the LGPS Regulations 2013 | Whether to agree that an admission agreement may take effect on a date before the date on which it is executed. | Under Schedule 2, Part 3, paragraph 14 of the Local Government Pension Scheme Regulations 2013, Gwynedd Pension Fund may agree for an admission agreement to take effect from a date earlier than its execution. Such approval is considered on a case-by-case basis, subject to confirmation of employer responsibilities and assurance that no additional risk is placed on the Fund. |
| Schedule 2 Part 3 para 9(d) of the LGPS Regulations 2013 | Whether to terminate a transferee admission agreement in the event of<br><br>- insolvency, winding up or liquidation of the body<br><br>- breach by that body of its obligations under the admission agreement<br><br>- failure by that body to pay over sums due to the Fund within a reasonable period of being requested to do so | The Fund's policy on the application of this regulation is set out in full within the Fund's Funding Strategy Statement. |
| Schedule 2, part 3, para 12(a) | Define what is meant by employed in connection with | Under Schedule 2, Part 3, paragraph 12(a) of the Local Government Pension Scheme Regulations 2013, the administering authority is required to determine which employees of an admission body are considered to be "employed in connection with" the provision of the service to |

| | | |
|---|---|---|
| | | which the admission agreement relates. For the purposes of Gwynedd Pension Fund, this term refers to employees who are wholly or mainly engaged in delivering the specific service or function covered by the admission agreement, including those who transfer under TUPE or whose duties are primarily assigned to that service. Employees whose work is only indirectly related, or who are engaged across multiple functions with limited involvement in the contracted service, are not regarded as being employed in connection with it. This definition ensures clarity, consistency, and appropriate eligibility for LGPS membership. |
| 16(1) of the LGPS Regulations 2013 | Whether to turn down a request by a member to pay an Additional Pension Contribution or Shared Cost Additional Pension Contribution over a period of time where it would be impractical to allow such a request (e.g. where the sum being paid is very small and could be paid as a single payment) | Gwynedd Pension Fund has not set a minimum payment threshold. |
| 16(10) of the LGPS Regulations 2013 | Whether to require a satisfactory medical before agreeing to an application to pay an Additional Pension Contribution (APC) or Shared Cost Additional Pension Contribution (SCAPC).<br><br>If, where a medical is required to turn down an APC or SCAPC application if the member is in poor health. | Gwynedd Pension Fund does not require members to undergo a formal medical assessment before entering into an Additional Pension Contribution (APC) or Shared Cost APC (SCAPC) contract. However, where a member chooses to pay for the APC or SCAPC over a set period rather than as a lump sum, the Fund requires the member to complete a health declaration form at the start of the contract.<br><br>This declaration confirms that the member is fit for work at the point the APC contract begins. It also provides the Fund with the right to access relevant historic medical records should the member subsequently retire on ill health grounds. This enables the Fund to verify that no medical condition leading to the ill health retirement existed prior to the commencement of the APC contract.<br><br>The purpose of this process is to protect the Fund from meeting the cost of additional pension where the member |

| | | |
|---|---|---|
| | | may already have had an underlying medical condition that could reasonably have been expected to result in ill health retirement. The Fund reserves the right to decline an APC or SCAPC application where the information provided indicates that the member is in poor health and the contract would present an undue risk to the Fund. |
| 17(12) of the LGPS Regulations 2013 | Decide to whom any AVC/Shared Cost AVC monies (including life assurance monies) are to be paid on death of the member | In the event of a member's death, Gwynedd Pension Fund will normally pay any AVC or Shared Cost AVC (including life assurance) benefits in accordance with the member's most recent Expression of Wish form. This form provides important guidance to the administering authority when exercising its discretion over the distribution of death benefits.<br><br>If the Expression of Wish form is not up to date, is incomplete, or has not been provided, the Fund will use its discretion to determine the most appropriate recipient. In such cases, where no clear beneficiary can be identified, the Fund may decide to pay the benefits to the member's estate.<br><br>The administering authority will consider all relevant information available at the time of the member's death to ensure that benefits are paid promptly, fairly, and in accordance with the LGPS Regulations. |
| 22(3)(c) of the LGPS Regulations 2013 | Pension account may be kept in such form as is considered appropriate | Gwynedd Pension Fund currently uses Altair, the industry's leading pension administration platform, to store pension account details. The arrangement is kept under regular review and is monitored particularly as the contract approaches its end, to ensure continued suitability, performance, and value. |

| | | |
|---|---|---|
| | | |
| 10(9) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | Decide, in the absence of an election from the member within 12 months of ceasing a concurrent employment, which ongoing employment benefits from the concurrent employment which has ceased should be aggregated (where there is more than one ongoing employment) | The administering authority might choose to combine the deferred concurrent record with the ongoing record which based on evidence available at the time appears to be most beneficial to the member. |
| 68(2) of the LGPS Regulations 2013 | Whether to require employers to pay for pension strain when benefits are drawn early or with a reduced reduction. | Under Regulation 68(2) of the Local Government Pension Scheme Regulations 2013, the administering authority has discretion to require employers to meet the cost of pension strain arising when a member draws benefits early or with a reduced actuarial reduction. The Fund applies this discretion by requiring employers to pay genuine strain costs, normally through a single lump-sum payment. In cases of financial hardship, the Fund may consider allowing payment to be spread over an agreed period, with interest applied to any outstanding balance, in line with the principles set out in the Funding Strategy Statement.<br><br>In some cases, the administration system may generate a strain cost for members taking flexible retirement at age 60 or above. These amounts arise due to limitations in the system's calculation methodology rather than representing a genuine actuarial cost. In such cases, the Fund disregards the system-generated strain cost.<br><br>Invoices for genuine strain costs are issued to employers on a quarterly basis once the member's benefits have been processed, ensuring transparency and timely recovery of costs. |
| Schedule 2, para 2(3) of the LGPS (Transitional | Whether to require any strain on Fund costs to be paid "up front" by employing authority if the employing authority "switches on" the | Employers typically meet pension strain costs through a single lump-sum payment. However, in cases of financial hardship, the Fund may consider allowing the employer to |

| | | |
|---|---|---|
| Provisions and Savings) Regulations 2014 | 85 year rule for a member voluntarily retiring (other than flexible retirement) prior to age 60, or waives actuarial reductions. | spread the payment over an agreed period. Where this is permitted, interest will be applied to the outstanding balance. Invoices for strain costs are issued to employers on a quarterly basis once the member's benefits have been processed, ensuring transparency and timely recovery of costs. |
| 32(7) of the LGPS Regulations 2013 | Whether to extend the time limits within which a member must give notice of the wish to draw benefits before normal pension age or upon flexible retirement | Gwynedd Pension Fund will not normally require members to give three months' notice of early retirement, nor will it require an election to be made within one month in cases of flexible retirement. In most cases, once a valid request has been submitted and all necessary information has been received, the administering authority will aim to bring the pension into payment at the next available payroll run. |
| 34(1)(a) of the LGPS Regulations 2013 | Decide whether to commute small pensions under section 166 of the Finance Act 2004 | Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| 34(1)(b) of the LGPS Regulations 2013 | Decide whether to commute small dependants' pensions under section 168 of the Finance Act 2004 | Where a dependent of a deceased member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| 34(1)(c) of the LGPS Regulations 2013 | Decide whether to commute small pensions under section regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 | Where a member meets the criteria set by HMRC, the Fund may, at the member's request, commute their benefits to a lump sum. If no request is made, the Fund may still exercise its discretion to pay a trivial commutation lump sum instead of putting an ongoing pension into payment. |
| 36(3) of the LGPS Regulations 2013 | Approve medical advisors used by employers (for ill health benefits) | Gwynedd Pension Fund maintains a list of approved independent registered medical practitioners who are authorised to provide medical opinions for ill-health retirement assessments. This list is jointly shared with the Clwyd Pension Fund to ensure consistency, quality, and resilience across both administering authorities. |

| | | |
|---|---|---|
| | | The list is reviewed and updated on a regular basis. As part of this process, all doctors are checked against the General Medical Council (GMC) register to confirm that they hold the appropriate qualifications, are in good standing, and meet the regulatory requirements to provide medical advice for LGPS ill-health determinations. Only practitioners who satisfy these criteria are permitted to appear on the approved list.<br><br>Employers must use a doctor from this approved list when obtaining the medical certification required under Regulation 36. |
| 12(6) of the LGPS Transitional Provisions and Savings Regulations) 2014 | Whether to use a certificate produced by an IRMP under the 2008 scheme for the purpose of making an ill health determination under the 2014 Scheme in cases where the member's former employer is no longer a scheme employer. | Gwynedd Pension Fund will accept and use an IRMP certificate issued under the LGPS 2008 Scheme to determine entitlement to ill health benefits under the LGPS 2014 Scheme where the member's former employer is no longer a Scheme employer, provided sufficient evidence exists to support the determination. The Fund reserves the right to obtain further medical advice where necessary. |
| 38(3) of the LGPS Regulations 2013 | Decide whether a deferred beneficiary meets the criteria required to qualify for ill-health retirement in cases where the member's former employer is no longer a scheme employer. | Gwynedd Pension Fund will apply the standard LGPS ill-health retirement processes when determining whether a deferred member meets the regulatory criteria. For cases where the former employer is no longer a scheme employer, Gwynedd Pension Fund will use Cyngor Gwynedd's Occupational Health team to undertake the required medical assessment. This ensures that all decisions are supported by an independent registered medical practitioner and are consistent, robust, and compliant with the LGPS Regulations. |
| 38(5) of the LGPS Regulations 2013 | Decide whether a suspended ill health tier 3 member meets the criteria for ill health retirement in cases where the member's former employer is no longer a scheme employer | Gwynedd Pension Fund will apply the standard LGPS ill-health retirement processes when determining whether a suspended ill health tier 3 member meets the regulatory criteria. For cases where the former employer is no longer a scheme employer, Gwynedd Pension Fund will use Cyngor Gwynedd's Occupational Health team to undertake the |

| | | |
|---|---|---|
| | | required medical assessment. This ensures that all decisions are supported by an independent registered medical practitioner and are consistent, robust, and compliant with the LGPS Regulations. |
| 38(6) of the LGPS Regulations 2013 | Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before NPA because of ill health (where Employer has become defunct) | Gwynedd Pension Fund will apply the standard LGPS ill-health retirement processes when determining whether a suspended ill health tier 3 member meets the regulatory criteria. For cases where the former employer is no longer a scheme employer, Gwynedd Pension Fund will use Cyngor Gwynedd's Occupational Health team to undertake the required medical assessment. This ensures that all decisions are supported by an independent registered medical practitioner and are consistent, robust, and compliant with the LGPS Regulations. |
| 40(2), 43(2) and 46(2) of the LGPS Regulations 2013<br><br>17(5) to (8) of the LGPS Transitional Provisions and Savings Regulations) 2014 | Decide to whom a death grant should be paid | Gwynedd Pension Fund exercises its discretion when determining the payment of death grants, using the member's most recent Expression of Wish form as the primary guide to their intentions. Where the nomination is clear and up to date, the Fund will normally follow it.<br><br>If no valid or current nomination exists, the Fund will consider all relevant circumstances and may decide to pay the death grant to the member's estate or another appropriate beneficiary.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| 49(1)(c) of the LGPS Regulations 2013 | Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership | Gwynedd Pension Fund will choose to award the benefit which, based on evidence available at the time, appears to be most beneficial to the member. |

| | | |
|---|---|---|
| 54(1) of the LGPS Regulations 2013 | Whether to set up a separate admission agreement fund | Gwynedd Pension Fund has not established a separate admission agreement fund under Regulation 54(1)(b) of the Local Government Pension Scheme Regulations 2013. All admission bodies participate within the main Fund, and no separate admission agreement fund is offered. |
| 64(2ZA) of the LGPS Regulations 2013 | Whether to extend the period beyond 3 months from the date an Employer ceases to be a Scheme Employer, by which to pay an exit credit. | The Fund's policy on the application of this regulation is set out in full within the Fund's Cessation Policy. |
| 64(2A) of the LGPS Regulations 2013 | Whether to suspend, for up to 3 years, an employer's obligation to pay an exit payment where the employer is again likely to have active members within the specified period of suspension. | The Fund's policy on the application of this regulation is set out in full within the Fund's Cessation Policy. |
| 64(4) of the LGPS Regulations 2013 | Whether to obtain revision of employer's contribution rate if there are circumstances which make it likely a Scheme employer will become an exiting employer | The Fund's policy on the application of this regulation is set out in full within the Fund's Funding Strategy Statement. |
| 64B of the LGPS Regulations 2013 | Where the funding strategy statement mentioned in regulation 58 (funding strategy statements) sets out the administering authority's policy on spreading exit payments, that administering authority may obtain a revision of the rates and adjustments certificate under regulation 62 (actuarial valuations of pension funds) to show the proportion of the exit payment to be paid by the exiting Scheme employer in each year after the exit date over such period as the administering authority considers reasonable.<br><br>(2) In revising the certificate, an administering authority must-<br><br>(a) consult the exiting Scheme employer; and<br><br>(b) have regard to the views of an actuary appointed by the administering authority | The Fund's policy on the application of this regulation is set out in full within the Fund's Funding Strategy Statement. |

| | | |
|---|---|---|
| 69(1) of the LGPS Regulations 2013 | Decide frequency of payments to be made over to Fund by employers and whether to make a charge for the administration of the fund. | The Fund's policy on the application of this regulation is set out in full within the Fund's Administration Strategy Statement. |
| 69(4) of the LGPS Regulations 2013 | Decide form and frequency of information to accompany payments to the Fund | The Fund's policy on the application of this regulation is set out in full within the Fund's Administration Strategy Statement. |
| 70 of the LGPS Regulations 2013<br><br>And regulation 22(2) of the Transitional Provisions and Savings Regulations 2014 | Whether to issue employer with notice to recover additional costs incurred as a result of the employer's level of performance | The Fund's policy on the application of this regulation is set out in full within the Fund's Administration Strategy Statement. |
| 71(1) of the LGPS Regulations 2013 | Whether to charge interest on payments by employers which are overdue | The Fund's policy on the application of interest is set out in full within the Fund's Administration Strategy Statement. |
| 76(4) of the LGPS Regulations 2013 | Decide procedure to be followed by admin authority when exercising its stage two IDRP functions and decide the manner in which those functions are to be exercised | The Internal Dispute Resolution Procedure (IDRP) provides a two-stage process for members who disagree with a decision made by their employer or the Gwynedd Pension Fund.<br><br>At Stage 1, the member must submit a written complaint within six months of the issue to the party they believe is at fault, either their employer or the Pension Fund. The complaint is then reviewed and a decision is made by the employer or by the Pensions Manager on behalf of the Pension Fund, with a response issued within two months or an explanation provided for any delay.<br><br>If the member remains dissatisfied, they may appeal to Stage 2 within six months of the Stage 1 decision, or sooner in certain cases where no response has been received. At this stage, the appeal is reviewed by the appointed adjudicator, Gwynedd Council's Head of Legal Services, who considers |

| | | |
|---|---|---|
| | | the case independently and issues a decision within two months of receiving the complaint. |
| 79(2) of the LGPS Regulations 2013 | Whether admin. authority should appeal against employer decision (or lack of a decision) | Gwynedd Pension Fund will consider this on a case by case basis. |
| 80(1)(b) of the LGPS Regulations 2013<br><br>And regulation 22(1) of the Transitional Provisions and Savings Regulations 2014 | Specify information to be supplied by employers to enable admin. authority to discharge its functions | Under Regulation 80(1)(b) of the Local Government Pension Scheme Regulations 2013, and Regulation 22(1) of the Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014, Gwynedd Pension Fund specifies the information that scheme employers must supply to enable the administering authority to discharge its statutory functions. This includes all data required for the administration of both post-2014 CARE benefits and pre-2014 final-salary benefits. Employers are required to provide accurate, complete and timely information in the format and timescales set out by the Fund. This requirement is formally recorded within the Fund's Administration Strategy Statement. |
| 82(2) of the LGPS Regulations 2013 | Whether to pay death grant due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965 | Gwynedd Pension Fund will make the payment on the basis of an indemnity form in situations where a death grant is payable to the personal representatives, or to an individual who appears to be beneficially entitled to the estate, without requiring a grant of probate or letters of administration. This applies only where the payment falls below the threshold specified in section 6 of the Administration of Estates (Small Payments) Act 1965. |
| 83 of the LGPS Regulations 2013<br><br>52A of the LGPS (Administration) Regulations 2008 | Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit. | The Gwynedd Pension Fund ensures that all pension benefits and lump sum payments are made securely and accurately by requiring members to provide verified bank account details at retirement.<br><br>Payments are only made to accounts held in the member's |

| | | |
|---|---|---|
| | | name, or to an account held by an individual with valid Power of Attorney.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| 98(1)(b) of the LGPS Regulations 2013 | Agree to bulk transfer payment | Gwynedd Pension Fund will consider requests for a bulk transfer payment on a case by case basis. A bulk transfer will only be agreed where the Fund Actuary has certified that the proposed transfer terms are no less favourable than the value of the liabilities being transferred, and where the participating employer has confirmed in writing that they understand and accept any funding implications arising from the transfer.<br><br>In determining whether to agree to a bulk transfer, the Fund will have regard to its Funding Strategy Statement, the interests of all employers within the Fund, and the need to ensure that the transfer does not adversely affect the Fund's overall solvency or risk profile. |
| 100(6) of the LGPS Regulations 2013 | Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS (in agreement with the employer) | Gwynedd Pension Fund will only agree to extend the 12-month deadline for transferring previous pension rights in exceptional circumstances. An extension will be granted solely where the Fund is at fault for not providing the member with the necessary information to begin the transfer process within the statutory 12-month period. |
| 100(7) of the LGPS Regulations 2013 | Allow transfer of non-club pension rights into the Fund | Gwynedd Pension Fund will accept the transfer of non-Club pension rights into the Fund, subject to the usual regulatory requirements and completion of the standard transfer-in process. |
| 3(6), 4(6)(c), 8(4), 10(2)(a),17(2)(b) of the LGPS (Transitional Provisions | Where a member to whom regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applies (use of average of 3 years pay for final | Where regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applies, and a member dies before making an election to use the best of the last three years' pay for final |

| | | |
|---|---|---|
| and Savings) Regulations 2014<br><br>10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 | pay purposes) dies before making an election, whether to make that election on behalf of the deceased member. | pay purposes, Gwynedd Pension Fund will determine whether to make that election on the member's behalf. The Fund will make this decision solely on the basis of the member's best interests, taking into account the information available and the impact on the benefits payable to their beneficiaries. |
| Schedule 1 of the LGPS Regulations 2013<br><br>17(9)(a) of the Transitional Provisions and Savings Regulations 2014 | Decide to treat child as being in continuous education or vocational training despite a break | Gwynedd Pension Fund supports dependent children aged 18 to 23 who remain eligible for an LGPS child's pension while undertaking full-time education or vocational training.<br><br>The fund's policy allows a break of up to one academic year, provided the dependent confirms in writing their intention to return to study and later supplies evidence of re-enrolment.<br><br>Pension payments are suspended during the break and reinstated - backdated where appropriate - once full-time study is confirmed. If the dependent does not return within the permitted period, the pension will cease in line with LGPS regulations.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| Schedule 1 of the LGPS Regulations 2013 & Regulation 17(9)(b) of the Transitional Provisions and Savings Regulations 2014 | Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member | Gwynedd Pension Fund requires clear evidence that a cohabiting partner was financially dependent on, or financially interdependent with, the deceased member for at least the two years before death in order to be considered for an LGPS survivor's pension. The Fund will normally request documents demonstrating shared financial responsibilities - such as joint bank accounts, tenancy or mortgage agreements, utility bills, or other proof of shared household costs - alongside confirmation of shared residence and relationship status. |

| | | |
|---|---|---|
| | | Where standard documentation is limited, the Fund may consider written statements and supporting evidence. All cases are assessed individually and in accordance with LGPS Regulations.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| 15(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>And Schedule 1 of the LGPS (Transitional Provisions) Regulations 2008<br><br>And 83(5) of the LGPS Regulations 1997 | Extend time period for capitalisation of added years contract | Gwynedd Pension Fund may, at its discretion, extend the time period allowed for a member to capitalise an added years contract where the member leaves employment before completing the original contract. Extensions will only be granted where there is a valid reason - such as administrative delay, employer error, or short-term financial difficulty - and will normally be limited to a short, reasonable period. Each case will be considered individually to ensure fairness and consistency with LGPS Regulations. |
| 105(2) of the LGPS Regulations 2013 | Decide whether to delegate any administering authority functions under the Regulations | Under Regulation 105(2) of the Local Government Pension Scheme Regulations 2013, the administering authority has the power to determine whether any of its functions under the Regulations should be delegated. The authority's delegation arrangements are set out in its Constitution and Scheme of Delegation as approved by Cyngor Gwynedd. |
| 106(3) of the LGPS Regulations 2013 | Decide whether to establish a joint local pension board once approval has been granted by the Secretary of State | Gwynedd Pension Fund has established its own Local Pension Board and has not created, nor sought to create, a joint local pension board under Regulation 106(3) of the Local Government Pension Scheme Regulations 2013. |
| 106(6) of the LGPS Regulations 2013 | Decide procedures applicable to the local pension board | The procedures applicable to the Local Pension Board, as required under Regulation 106(6) of the Local Government Pension Scheme Regulations 2013, are fully set out in the |

| | | |
|---|---|---|
| | | Local Pension Board Terms of Reference document approved by Cyngor Gwynedd Full Council. |
| 107(1) of the LGPS Regulations 2013 | Decide appointment procedures, terms of appointment and membership of local pension board | The process for determining the appointment procedures, terms of appointment, and membership of the Local Pension Board, as required under Regulation 107(1) of the Local Government Pension Scheme Regulations 2013, is fully contained within the Local Pension Board Terms of Reference document approved by Cyngor Gwynedd Full Council. |
| 2 of the Registered Pension Schemes (Modification of Scheme Rules) Regulations 2011 | Decide whether to allow members who have accrued an annual allowance charge which cannot be discharged by means of mandatory scheme pays to pay any tax due through voluntary scheme pays. | Gwynedd Pension Fund will consider requests from members to use voluntary scheme pays to meet an annual allowance tax charge that does not qualify for mandatory scheme pays. Each request will be assessed on a case-by-case basis.<br><br>The Fund will only agree to voluntary scheme pays where it is satisfied that doing so is in the member's best interests, that the tax charge relates to LGPS benefits within the Fund, and that all HMRC conditions for voluntary scheme pays are met. The Fund will also ensure that the resulting pension debit is applied correctly and transparently to the member's benefits.<br><br>The Fund reserves the right to decline a voluntary scheme pays request where it would be inappropriate, administratively impractical, or inconsistent with regulatory requirements. |

# For members who left on or after 1 April 2008 and before 1 April 2014

**Relevant Legislation**

- The  Local Government Pension Scheme (Administration) Regulations 2008
- The  Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)
- The  Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The  Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The  Local Government Pension Scheme Regulations 2013
- The  Local Government Pension Scheme Regualtions1997 (as amended)

| Administering Authority Discretions – Mandatory | Description | Policy |
|---|---|---|
| 3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008 | Decide policy on abatement of pensions in payment following re-employment | Gwynedd Pension Fund will not apply abatement to pensions. The Fund has determined that pensions in payment will not be reduced or suspended on account of a member returning to local government employment or employment with another scheme employer. |
| Schedule 2 para 1(2) and 1(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | Where a member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. **Where the employer no longer exists,** the administering authority has the discretion to allow for the rule of 85 to be "switched on". | Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |

| Regulation | Description | Policy |
| --- | --- | --- |
| 30(5) of The Local Government Pension (Benefits, Membership and Contributions) Regulations 2007<br><br>and Schedule 2 para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | In the event that a deferred member is drawing benefits early and that member's **former employer is no longer a scheme employe**r, to determine whether to waive any reductions that would apply on compassionate grounds. | No definition of compassionate grounds is given in the LGPS regulations. The term is sometimes interpreted as referring to a situation when a scheme member is required to give up work in order to be a full time, long term carer for a member of their family.<br><br>Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |

| | | |
|---|---|---|
| Schedule 2 para 1(2) & 1(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | Where a pensioner member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. **Where the employer no longer exists,** the administering authority has the discretion to allow for the rule of 85 to be “switched on”. | Waiving actuarial reductions will normally result in a pension strain cost. Where the member’s former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member’s former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |

| Regulation | Description | Policy |
|---|---|---|
| 30A(5) of The Local Government Pension (Benefits, Membership and Contributions) Regulations 2007<br><br>and Schedule 2 para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | In the event that a pensioner member is drawing benefits early and that member's **former employer is no longer a scheme employe**r, to determine whether to waive any reductions that would apply on compassionate grounds. | A pensioner member is a member who has been in receipt of tier 3 ill health benefits which have then ceased.<br><br>No definition of compassionate grounds is given in the LGPS regulations. The term is sometimes interpreted as referring to a situation when a scheme member is required to give up work in order to be a full time, long term carer for a member of their family.<br><br>Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |

# Administering Authority Discretions – Non-mandatory

| Regulation | Description | Policy |
|---|---|---|
| 15(1)(c) of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>And Schedule 1 of the LGPS (Transitional Provisions) Regulations 2008<br><br>And 83(5) of the LGPS Regulations 1997 | Extend time period for capitalisation of added years contract | Gwynedd Pension Fund will only consider extending the time period for the capitalisation of an added years contract in very limited and exceptional circumstances. An extension will be granted solely where the delay was caused by the Fund, such as where required information was not issued to the member in sufficient time to allow them to act within the original deadline. The Fund will not extend the time period where the delay arises from member oversight or circumstances outside the Fund's control. |

| Regulation | Description | Policy |
|---|---|---|
| 45(3) of the LGPS (Administration) Regulations 2008 | Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits | Under Regulation 45(3) of the Local Government Pension Scheme (Administration) Regulations 2008, the administering authority has discretion to recover outstanding employee pension contributions either as a simple debt or by deduction from the member's benefits. Gwynedd Pension Fund exercises this discretion by recovering unpaid contributions in the most appropriate and equitable manner, taking account of the circumstances of each case.<br><br>Where the shortfall has arisen—most commonly due to employer payroll error—the Fund may recover the outstanding contributions through one of the following methods:<br><br>• Issuing an invoice to the member for repayment, where this is reasonable and proportionate.<br><br>• Arranging for the employer to deduct the outstanding amount from the member's wages, where both the employer and the member agree to this approach.<br><br>• Deducting the outstanding amount from the member's LGPS benefits when they become payable, where this is administratively suitable and does not disadvantage the member.<br><br>This framework ensures that member benefits are calculated correctly, that contribution requirements are met, and that recovery is handled fairly and transparently while protecting the financial integrity of the Fund. |

| Regulation | Description | Policy |
|---|---|---|
| 52(2) of the LGPS (Administration) Regulations 2008 | Whether to pay death grant due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965. | Gwynedd Pension Fund will make the payment on the basis of an indemnity form in situations where a death grant is payable to the personal representatives, or to an individual who appears to be beneficially entitled to the estate, without requiring a grant of probate or letters of administration. This applies only where the payment falls below the threshold specified in section 6 of the Administration of Estates (Small Payments) Act 1965. |
| 56(2) of the LGPS (Administration) Regulations 2008 | Approve medical advisors used by employers (for ill health benefits) | Gwynedd Pension Fund maintains a list of approved independent registered medical practitioners who are authorised to provide medical opinions for ill-health retirement assessments. This list is jointly shared with the Clwyd Pension Fund to ensure consistency, quality, and resilience across both administering authorities.<br><br>The list is reviewed and updated on a regular basis. As part of this process, all doctors are checked against the General Medical Council (GMC) register to confirm that they hold the appropriate qualifications, are in good standing, and meet the regulatory requirements to provide medical advice for LGPS ill-health determinations. Only practitioners who satisfy these criteria are permitted to appear on the approved list.<br><br>Employers must use a doctor from this approved list when obtaining the medical certification required under Regulation 36. |

| | | |
|---|---|---|
| 10(2) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 | Where a member to whom regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applies (use of average of 3 years pay for final pay purposes) dies before making an election, whether to make that election on behalf of the deceased member. | Where regulation 10 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 applies, and a member dies before making an election to use the best of the last three years' pay for final pay purposes, Gwynedd Pension Fund will determine whether to make that election on the member's behalf. The Fund will make this decision solely on the basis of the member's best interests, taking into account the information available and the impact on the benefits payable to their beneficiaries. |
| 27(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 | To pay the whole or part of an eligible child's pension benefits to another person for their benefit. | Gwynedd Pension Fund may be willing to exercise this discretion, but shall take whatever steps it considers reasonable and appropriate to ensure that the money is used solely for the benefit of the child. |
| 52A of the LGPS (Administration) Regulations 2008 | Whether, where a person (other than an eligible child) is incapable of managing their affairs, to pay the whole or part of that person's pension benefits to another person for their benefit. | The Gwynedd Pension Fund ensures that all pension benefits and lump sum payments are made securely and accurately by requiring members to provide verified bank account details at retirement.<br><br>Payments are only made to accounts held in the member's name, or to an account held by an individual with valid Power of Attorney.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |

| | | |
|---|---|---|
| Schedule 2, para 2(3) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority switches on” the 85-year rule for a member voluntarily retiring prior to age 60, or waives an actuarial reduction on compassionate grounds | Employers typically meet pension strain costs through a single lump-sum payment. However, in cases of financial hardship, the Fund may consider allowing the employer to spread the payment over an agreed period. Where this is permitted, interest will be applied to the outstanding balance. Invoices for strain costs are issued to employers on a quarterly basis once the member’s benefits have been processed, ensuring transparency and timely recovery of costs. |
| Regulation | Description | Policy |
| 31(4) of The LGPS (Benefits, Membership and Contributions) Regulations 2007 | Decide whether a deferred beneficiary meets the criteria required to qualify for ill-health retirement in cases where the member’s former employer is no longer a scheme employer. | Gwynedd Pension Fund will apply the standard LGPS ill-health retirement processes when determining whether a deferred member meets the regulatory criteria. For cases where the former employer is no longer a scheme employer, Gwynedd Pension Fund will use Cyngor Gwynedd’s Occupational Health team to undertake the required medical assessment. This ensures that all decisions are supported by an independent registered medical practitioner and are consistent, robust, and compliant with the LGPS Regulations. |
| 31(7) of The LGPS (Benefits, Membership and Contributions) Regulations 2007 | Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health (where Employer has become defunct) | Gwynedd Pension Fund will apply the standard LGPS ill-health retirement processes when determining whether a suspended ill health tier 3 member meets the regulatory criteria. For cases where the former employer is no longer a scheme employer, Gwynedd Pension Fund will use Cyngor Gwynedd’s Occupational Health team to undertake the required medical assessment. This ensures that all decisions are supported by an independent registered medical practitioner and are consistent, robust, and compliant with the LGPS Regulations. |

| | | |
|---|---|---|
| 23(2), 32(2), 35(2) of The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007<br><br>Sch1 of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>155(4) of the LGPS Regulations 1997 | Decide to whom a death grant should be paid | Gwynedd Pension Fund exercises its discretion when determining the payment of death grants, using the member's most recent Expression of Wish form as the primary guide to their intentions. Where the nomination is clear and up to date, the Fund will normally follow it.<br><br>If no valid or current nomination exists, the Fund will consider all relevant circumstances and may decide to pay the death grant to the member's estate or another appropriate beneficiary.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |

| Regulation | Description | Policy |
|---|---|---|
| Schedule 1 of the LGPS Regulations 2013<br><br>Regulation 17(9)(b) of the Transitional Provisions and Savings Regulations 2014 | Decide evidence required to determine financial dependence of cohabiting partner on scheme member or financial interdependence of cohabiting partner and scheme member | Gwynedd Pension Fund requires clear evidence that a cohabiting partner was financially dependent on, or financially interdependent with, the deceased member for at least the two years before death in order to be considered for an LGPS survivor's pension. The Fund will normally request documents demonstrating shared financial responsibilities - such as joint bank accounts, tenancy or mortgage agreements, utility bills, or other proof of shared household costs - alongside confirmation of shared residence and relationship status. Where standard documentation is limited, the Fund may consider written statements and supporting evidence. All cases are assessed individually and in accordance with LGPS Regulations.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| Schedule 1 of the LGPS Regulations 2013<br><br>17(9) of the Transitional Provisions and Savings Regulations 2014 | Decide to treat eligible child as being in continuous education or vocational training despite a break | Gwynedd Pension Fund supports dependent children aged 18 to 23 who remain eligible for an LGPS child's pension while undertaking full-time education or vocational training.<br><br>The fund's policy allows a break of up to one academic year, provided the dependent confirms in writing their intention to return to study and later supplies evidence of re-enrolment.<br><br>Pension payments are suspended during the break and reinstated - backdated where appropriate - once full-time study is confirmed. If the dependent does not return within the permitted period, the pension will cease in line with LGPS regulations.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |

| | | |
|---|---|---|
| 39(1)(a) LGPS (Benefits, Membership and Contributions) Regulations 2007<br><br>14(3) of LGPS (Transitional Provisions) Regulations 2008 | Decide whether to commute small pensions under section 166 of the Finance Act 2004 | Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| 39(1)(b) LGPS (Benefits, Membership and Contributions) Regulations 2007 | Decide whether to commute small dependants' pensions under section 168 of the Finance Act 2004 | Where a dependent of a deceased member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| Regulation | Description | Policy |
| 39(1)(c) LGPS (Benefits, Membership and Contributions) Regulations 2007 | Decide whether to commute small pensions under section regulations 6 (payment after relevant accretion), 11 (de minimis rule for pension schemes) or 12 (payments by larger pension schemes) of the Registered Pension Schemes (Authorised Payments) Regulations 2009 | Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| 42(1)(c) LGPS (Benefits, Membership and Contributions) Regulations 2007 | Decide, in the absence of an election from the member, which benefit is to be paid where the member would be entitled to a benefit under 2 or more regulations in respect of the same period of Scheme membership | Where a member is entitled to more than one type of benefit in respect of the same period of scheme membership and has not made an election, Gwynedd Pension Fund will determine which benefit is to be paid. Each case will be considered individually, using the evidence available at the time, and the Fund will normally award the benefit that appears to be most advantageous to the member. |

| | | |
|---|---|---|
| Schedule 1 to the LGPS (Transitional Provisions) Regulations 2008<br><br>and Regulation 23(9) to the LGPS Regulations 1997 | Where a member has a certificate of protection in place in respect of a pay cut or restriction prior to April 2008 and dies before making an election to make an election on behalf of the member. | Where a member held a certificate of protection in respect of a pre-April 2008 pay reduction or restriction and dies before making an election, Gwynedd Pension Fund will exercise this discretion in the member's best interests. The Fund will consider the available information and make an election on the member's behalf where this would provide a more favourable outcome for the member's beneficiaries. |

# For members who left on or after 1 April 1998 and before 1 April 2008

## Relevant Legislation

- The Local Government Pension Scheme Regulations 1997
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme Regulations 2013

# Administering Authority Discretions – Mandatory

| Regulation | Description | Policy |
| --- | --- | --- |
| 1(2), 1(1)(f) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 | Where a member is voluntarily retiring between the ages of 55 and 60 and has a period of service which is covered by the rule of 85, the rule does not automatically apply. **Where the employer no longer exists,** the administering authority has the discretion to allow for the rule of 85 to be "switched on". | Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |

| Regulation | Description | Policy |
|---|---|---|
| 31(5) of the LGPS Regulations 1997<br><br>Sch 2, para 2(1) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | **Where the employer no longer exists,** whether to waive upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds | No definition of compassionate grounds is given in the LGPS regulations. The term is sometimes interpreted as referring to a situation when a scheme member is required to give up work in order to be a full time, long term carer for a member of their family.<br><br>Waiving actuarial reductions will normally result in a pension strain cost. Where the member's former employer is no longer an active scheme employer within the Fund, this cost is effectively absorbed by all remaining employers participating in the Gwynedd Pension Fund.<br><br>Given these considerations, Gwynedd Pension Fund will generally not agree to waive actuarial reductions where the member's former employer is no longer a scheme employer. However, the Fund retains discretion to consider exceptional circumstances, and may approve a waiver where it is satisfied that the justification clearly outweighs the additional cost and is in the overall interests of the Fund and its employers. |
| 3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008 | Decide policy on abatement of pensions in payment following re-employment | Gwynedd Pension Fund will not apply abatement to pensions. The Fund has determined that pensions in payment will not be reduced or suspended on account of a member returning to local government employment or employment with another scheme employer. |

# Administering Authority Discretions – Non-mandatory

| Regulation | Description | Policy |
|---|---|---|
| 38(1) & 155(4) of the LGPS Regulations 1997 | Decide to whom a death grant should be paid | Gwynedd Pension Fund exercises its discretion when determining the payment of death grants, using the member's most recent Expression of Wish form as the primary guide to their intentions. Where the nomination is clear and up to date, the Fund will normally follow it.<br><br>If no valid or current nomination exists, the Fund will consider all relevant circumstances and may decide to pay the death grant to the member's estate or another appropriate beneficiary.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| Schedule 1 of the LGPS Regulations 2013<br><br>17(9) of the Transitional Provisions and Savings Regulations 2014 | Decide to treat child as being in continuous education or vocational training despite a break | Gwynedd Pension Fund supports dependent children aged 18 to 23 who remain eligible for an LGPS child's pension while undertaking full-time education or vocational training.<br><br>The fund's policy allows a break of up to one academic year, provided the dependent confirms in writing their intention to return to study and later supplies evidence of re-enrolment.<br><br>Pension payments are suspended during the break and reinstated - backdated where appropriate - once full-time study is confirmed. If the dependent does not return within the permitted period, the pension will cease in line with LGPS regulations.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |

| Regulation | Description | Policy |
|---|---|---|
| 47(1) of the LGPS Regulations 1997 | Apportionment of children's pensions | Gwynedd Pension Fund will consider each case where more than one eligible child qualifies for a children’s pension on its own merits. However, the Fund’s general policy is to apportion the pension equally between all eligible children, unless specific circumstances justify an alternative distribution. |
| 47(2) of the LGPS Regulations 1997 | To pay the whole or part of an eligible child’s pension benefits to another person for their benefit. | Gwynedd Pension Fund may be willing to exercise this discretion, but shall take whatever steps it considers reasonable and appropriate to ensure that the money is used solely for the benefit of the child. |
| 49(1) of the LGPS Regulations 1997 | Decide whether to commute small pensions under section 166 of the Finance Act 2004 | Where the member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| 49(1) of the LGPS Regulations 1997 | Decide whether to commute small dependants’ pensions under section 168 of the Finance Act 2004 | Where a dependent of a deceased member satisfies the criteria set out by HMRC, the Fund may choose to pay a lump sum if requested by the member. |
| 50 and 157 of the LGPS Regulations 1997 | Commute benefits due to exceptional ill health | Gwynedd Pension Fund will only consider the commutation of benefits on the grounds of exceptional ill health where strong and clear medical evidence confirms that the member’s life expectancy is severely limited and meets HMRC’s definition of serious ill health. Any decision to commute will be made solely in the member’s best interests, following a request from the member or an authorised representative, and only where all regulatory and tax requirements are satisfied. |

| Regulation | Description | Policy |
| --- | --- | --- |
| 80(5) of the LGPS Regulations 1997 | Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority grants early payment of pension. | This is a matter that would normally be covered in the Funding Strategy statement |
| Schedule 2, para 2(3) of the LGPS (Transitional Provisions and Savings) Regulations 2014 | Whether to require any strain on Fund costs to be paid “up front” by employing authority if the employing authority “switches on” the 85 year rule for a member voluntarily retiring prior to age 60, or waives actuarial reductions on compassionate grounds. | This is a matter that would normally be covered in the Funding Strategy statement |
| 89(3) of the LGPS Regulations 1997 | Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits | Gwynedd Pension Fund will consider each case of outstanding employee contributions on its own merits. The Fund may seek to recover the outstanding amount either by deduction from the member’s scheme benefits or by issuing an invoice for the balance, whichever is considered most appropriate in the circumstances. |
| 91 (6) of the LGPS Regulations 1997 | Timing of pension increase payments by employers to the fund | Under Regulation 91(6) of the Local Government Pension Scheme Regulations 1997, employers are required to reimburse the Fund for the annual pension increase applied to any employer-funded enhancements, such as compensatory added years awarded under historic regulations. Gwynedd Pension Fund issues an annual invoice each April, once the pension increase has been applied, and employers must pay the amount due within the standard payment terms. This ensures the Fund is fully reimbursed for the cost of these legacy enhancements. |
| 95 of the LGPS Regulations 1997 | Whether to pay death grant due to personal representatives or anyone appearing to be beneficially entitled to the estate without need for grant of probate / letters of administration where payment | Gwynedd Pension Fund will make the payment on the basis of an indemnity form in situations where a death grant is payable to the personal representatives, or to an individual who appears to be beneficially entitled to the estate, without |

| Regulation | Description | Policy |
|---|---|---|
| | is less than amount specified in s6 of the Administration of Estates (Small Payments) Act 1965 | requiring a grant of probate or letters of administration. This applies only where the payment falls below the threshold specified in section 6 of the Administration of Estates (Small Payments) Act 1965. |
| 97(10) of the LGPS Regulations 1997 | Approve medical advisors used by employers (for ill health benefits) | Gwynedd Pension Fund maintains a list of approved independent registered medical practitioners who are authorised to provide medical opinions for ill-health retirement assessments. This list is jointly shared with the Clwyd Pension Fund to ensure consistency, quality, and resilience across both administering authorities.<br><br>The list is reviewed and updated on a regular basis. As part of this process, all doctors are checked against the General Medical Council (GMC) register to confirm that they hold the appropriate qualifications, are in good standing, and meet the regulatory requirements to provide medical advice for LGPS ill-health determinations. Only practitioners who satisfy these criteria are permitted to appear on the approved list.<br><br>Employers must use a doctor from this approved list when obtaining the medical certification required under Regulation 36. |
| 106A(5) of the LGPS Regulations 1997 | Date to which benefits shown on annual deferred benefit statement are calculated. | Gwynedd Pension Fund will calculate the benefits shown on the annual deferred benefit statement to the Pension Increase date for the appropriate year. |
| 118 of the LGPS Regulations 1997 | Retention of Contributions Equivalent Premium (CEP) where members transfers out | Transfers will normally be fully paid and protected rights will not normally remain in the fund. |
| 147 of the LGPS Regulations 1997 | Discharge Pension Credit liability | Under Regulation 147 of the Local Government Pension Scheme Regulations 1997, Gwynedd Pension Fund will discharge its liability for a Pension Credit once the Pension |

| Regulation | Description | Policy |
|---|---|---|
| | | Credit benefits have been calculated, awarded and the Pension Credit member has been formally notified. At that point, the Fund is treated as having fully discharged its responsibility for the Pension Credit. Each case will be considered on an individual basis to ensure the correct application of the regulations and the appropriate discharge of liability. |

# For members who ceased active membership before 1 April 1998

### Relevant Legislation

- The Local Government Pension Scheme Regulations 1995
- The Local Government Pension Scheme (Transitional Provisions) Regulations 1997
- The Local Government Pension Scheme Regulations 1997
- The Local Government Pension Scheme (Administration) Regulations 2008
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014
- The Local Government Pension Scheme Regulations 2013

## Administering Authority Discretions – Mandatory

| Regulation | Description | Policy |
|---|---|---|
| 3(5A)(vi) of the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014<br><br>4 of the LGPS (Transitional Provisions) Regulations 1997<br><br>106(1) of the LGPS Regulations 1997<br><br>D11(2)(c) of the LGPS Regulations 1995 | Where the employer is now defunct, grant application for early payment of deferred benefits on or after age 50 on compassionate grounds | Where the former employer is defunct, Gwynedd Pension Fund will consider applications for the early payment of deferred benefits on or after age 50 on compassionate grounds on a case-by-case basis. It is recognised that this discretion exists largely due to a regulatory loophole that has never been closed. The Fund will take into account that any benefits paid before age 55 may give rise to unauthorised payment charges under the Finance Act 2004, some of which fall on the member and some on the Fund, in addition to any pension strain cost payable by the Fund. |
| 3(13) of the LGPS (Transitional Provisions and Savings) Regulations 2014<br><br>And 70(1) and 71(4)(c) of the LGPS (Administration) Regulations 2008 | Decide policy on abatement of pensions in payment following re-employment | Gwynedd Pension Fund will not apply abatement to pensions. The Fund has determined that pensions in payment will not be reduced or suspended on account of a member returning to local government employment or employment with another scheme employer. |
| 45(3) of the LGPS (Administration) Regulations 2008 | Outstanding employee contributions can be recovered as a simple debt or by deduction from benefits | Gwynedd Pension Fund will consider each case of outstanding employee contributions on its own merits. The Fund may seek to recover the outstanding amount either by deduction from the member's scheme benefits or by issuing |

| Regulation | Description | Policy |
|---|---|---|
| And 89(3) of the LGPS Regulations 1997 | | an invoice for the balance, whichever is considered most appropriate in the circumstances. |

# Administering Authority Discretions – Non-mandatory

| Regulation | Description | Policy |
|---|---|---|
| E8 of the LGPS Regulations 1995 | Decide to whom a death grant should be paid | Gwynedd Pension Fund exercises its discretion when determining the payment of death grants, using the member's most recent Expression of Wish form as the primary guide to their intentions. Where the nomination is clear and up to date, the Fund will normally follow it.<br><br>If no valid or current nomination exists, the Fund will consider all relevant circumstances and may decide to pay the death grant to the member's estate or another appropriate beneficiary.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| F7(1) of the LGPS Regulations 1995 | Suspension of spouses' pensions during remarriage or cohabitation | Gwynedd Pension Fund will not apply the historic discretion to suspend a spouse's pension where the survivor remarries or cohabits. Survivor pensions will continue to be paid in all such cases, reflecting the Fund's policy that these benefits are payable for life. |
| Schedule 1 of the LGPS Regulations 2013<br><br>17(9)(a) of the Transitional Provisions and Savings Regulations 2014 | Decide to treat child as being in continuous education or vocational training despite a break | Gwynedd Pension Fund supports dependent children aged 18 to 23 who remain eligible for an LGPS child's pension while undertaking full-time education or vocational training.<br><br>The fund's policy allows a break of up to one academic year, provided the dependent confirms in writing their intention to return to study and later supplies evidence of re-enrolment.<br><br>Pension payments are suspended during the break and reinstated - backdated where appropriate - once full-time study is confirmed. If the dependent does not return within the permitted period, the pension will cease in line with LGPS |

| | | |
|---|---|---|
| | | regulations.<br><br>A separate policy document sets out the Fund's full approach and guiding principles in detail. |
| G11(1) of the LGPS Regulations 1995 | Apportionment of children's pensions | Gwynedd Pension Fund will consider each case where more than one eligible child qualifies for a children's pension on its own merits. However, the Fund's general policy is to apportion the pension equally between all eligible children, unless specific circumstances justify an alternative distribution. |
| G11(2) of the LGPS Regulations 1995 | To pay the whole or part of an eligible child's pension benefits to another person for their benefit. | Gwynedd Pension Fund may be willing to exercise this discretion, but shall take whatever steps it considers reasonable and appropriate to ensure that the money is used solely for the benefit of the child. |